

FILED

AUG 31 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 09-90257

ORDER

KOZINSKI, Chief Judge:

Complainant, a pro se prisoner, alleges that a magistrate judge made various improper substantive and procedural rulings in his civil case. These charges relate directly to the merits of the judge's rulings and must therefore be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B); In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982).

Complainant further alleges the judge lied on his report and recommendation. But complainant has offered no objectively verifiable proof to support this claim, so it must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D); In re Complaint of Judicial Misconduct, 569 F.3d 1093, 1093 (9th Cir. 2009); see also In re Complaint of Judicial Misconduct, 527 F.3d 792, 795 (9th Cir. Jud. Council 2008) (dismissing claim that judge lied for insufficient evidence).

DISMISSED.